

BY AUTHORITY

ACT 187

AN ACT

PROVIDING FOR THE CARE, CONTROL AND TREATMENT OF PERSONS ADDICTED TO THE EXCESSIVE USE OF DRUGS OR LIQUOR AND OF INSANE PERSONS OF THE ACUTE AND CURABLE CLASS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be established and used in connection with the insane asylum of the Territory of Hawaii, a separate department or branch thereof, to be known as the "detention house," which shall be specially designed and equipped for the active and special medical care and treatment of insane persons of the acute and curable class, or whose recovery or improvement would in the judgment of the commissioners of insanity be facilitated by their detention separate and apart from other inmates of the asylum whose character of affliction, conduct or presence would tend to retard recovery in such apparently curable cases and where separate provision and accommodation may be made for patients more suitably with reference to their customary station in life and where patients may be separately maintained and treated wholly or in part at the expense of their own estate or relatives or other persons who may make provision therefor.

SECTION 2. Special ward. There shall be a special ward in said detention house for the reception and special care, control and treatment of persons not necessarily insane but committed thereto as patients addicted to the excessive use of drugs or liquor.

SECTION 3. For said purposes the board of health is hereby directed to select and set apart or acquire by purchase or otherwise suitable land upon which to erect a suitable building or buildings, and properly equip the same.

SECTION 4. Management of detention house. Said detention house, including the special ward, shall be under the immediate management of the superintendent of the insane asylum subject to the general direction and control of the board of health in the same manner as provided by law for the insane asylum.

SECTION 5. Use of detention house. Any person who has been committed to the insane asylum shall be subject to transfer from the main institution to said detention house, or from said detention house back to the main institution, from time to time, as the commissioners of insanity shall in their judgment order or approve. Any such person may also be transferred by the commissioners to said special ward; but no person committed as a patient addicted to the excessive use of drugs or liquor shall be subject to transfer from the special ward to the insane asylum except upon a legal adjudication of his insanity.

SECTION 6. Trust funds for maintenance of patient. The board of health is hereby authorized to accept and hold in behalf of the Territory any grant, gift, or devise of money or property in trust for the use and benefit either for the insane asylum as a whole, or any department thereof, or for male or female patients, or for the special ward, or for the use and benefit of any individual inmate or inmates or class of inmates of the asylum or special ward, or for any other incidental purpose; and shall cause each such gift, grant or devise to be kept as a distinct fund to be used, invested, applied and otherwise disposed of according to the terms incident thereto; and they shall include in each report to the governor a statement showing all the funds and property so received or held and the condition and application thereof.

SECTION 7. Proclamation. Special ward. Upon the completion and equipment of said detention house and special ward, the board of health shall report such facts to the governor, who shall thereupon issue a proclamation giving public notice that the said special ward is prepared to receive patients, a copy of which proclamation shall also be forwarded by mail to each circuit judge and district magistrate in the Territory.

SECTION 8. Examination as to persons addicted to the excessive use of drugs or liquor; petition; warrant. Upon the filing in any circuit or district court by any relative, next friend, or any county or city and county sheriff or deputy, of a verified petition setting forth that any person within the jurisdiction of such court is a patient addicted to the excessive use of drugs or liquor and in need of care and treatment, or that it is dangerous for said person to be at large, and also stating therein the petitioner's relationship, if any, and the indication of lack of self-control of such alleged patient in the use of any such drugs or liquor, and praying the court to enquire into the matter and commit such person as a patient addicted to the excessive use of drugs or liquor, the judge of such court shall require that such alleged patient be brought before him, and when from such petition or otherwise it appears necessary, may issue a warrant directed to the sheriff or deputy sheriff of the county or city and county or to the high sheriff or his deputy, requiring him forthwith to arrest and bring such person before the court for examination.

It shall thereupon be the duty of the judge of such court to examine the alleged patient brought before him and at such

hearing the alleged patient shall have the right to be heard personally or by counsel, and to produce and have subpoenaed witnesses on his behalf. Before any such examination shall be made, and if such patient shall have no other counsel, the judge shall give reasonable notice to the county attorney, who shall appear and take such action as may be necessary to protect the rights of the alleged patient and the interests of the Territory. The judge shall in any case render and file his decision thereon in writing, including a statement of the facts as found by him, and the reasons therefor and enter judgment accordingly, and if the judgment is for commitment shall forward a copy thereof to the superintendent of the insane asylum.

SECTION 9. Commitment of patients addicted to the excessive use of drugs or liquor; term. If it shall be determined by the said judge that the person so brought before him for examination is a patient addicted to the excessive use of drugs or liquor, or lacks self-control in the use of any such drugs or liquor, and is in need of detention and special treatment therefor, such person shall be committed by said court to the special ward of said detention house as a patient. The term of detention shall be for an indeterminate period, and until such person shall be discharged therefrom according to law, provided that no person shall be confined in said special ward without being released on parole at least once a year.

SECTION 10. Appeal. Said alleged patient addicted to the excessive use of drugs or liquor or any relative or next friend on his behalf may appeal to the commissioners of insanity from any judgment of commitment as aforesaid, by filing notice of such appeal in the court of commitment within five days, and a copy thereof with the chairman of the commissioners of insanity within ten days after entry of such judgment of commitment, which appeal may be taken without payment of any costs in the court of commitment. Upon such appeal, the commissioners of insanity shall hear and determine the same in the same manner as by law provided in the case of an appeal from the commitment of an alleged insane person and their decision thereon shall be final.

SECTION 11. Voluntary commitment of patients addicted to the excessive use of drugs or liquor. Any person may be committed to the special ward upon his own application to the judge of any circuit or district court, provided that he shall sign a voluntary application for such commitment, and from time to time pay the maintenance charges required by the board of health as the same shall accrue.

SECTION 12. Maintenance fund for special ward. The board of health shall from time to time either by general resolution or specifically in any particular case or class of cases fix a sum not to exceed twenty-five dollars (\$25.00) per week as a maintenance fee or charge to be paid by the patient, and the superintendent of the asylum shall collect the same from such patients or out of their property or from any person or persons legally bound for their support. All sums so collected shall be deposited as a special fund in the treasury and shall be available only for the maintenance of said special ward, as the board of health shall determine. If the board shall deem it a hardship to compel any patient or those legally liable for the support of such patient to pay said maintenance fees, it may relieve such patient or persons from any part or all of such burden, as may seem reasonable and just.

SECTION 13. Treatment of patients addicted to the excessive use of drugs or liquor. Persons committed as patients addicted to the excessive use of drugs or liquor shall be given such method of treatment as in the judgment of the superintendent and the commissioners of insanity will best tend to eliminate the effects of drugs or liquor, to build up their systems physically and mentally, and to strengthen their moral character and ability to resist the temptation of drugs and liquor.

SECTION 14. Parole of patients addicted to the excessive use of drugs or liquor; recommitment. Whenever any patient shall appear to be a suitable case for parole, the superintendent may recommend such parole to the commissioners of insanity, and the commissioners may parole such patient, either for a specific or indeterminate period, under such restrictions as they may deem proper, and provided such patient shall pledge himself to abide by the terms of such parole and the order of the commissioners respecting the use of drugs or liquor, and shall report in person or in writing as the commissioners shall require, and submit to all examinations from time to time as the commissioners may require during the parole. If at any time any patient on parole shall fail to comply with any of the conditions of his parole, or refuses to submit to any order of the commissioners respecting the same as aforesaid, or the commissioners are otherwise satisfied that such patient requires further detention and treatment in the special ward, the commissioners may cancel his parole and summarily remand him to the special ward, and for such purpose may issue a writ of remand of such person directed to the sheriff or deputy sheriff of the county or city and county or to the high sheriff or his deputy, commanding such officer to take said patient into custody and deliver him to the superintendent of said special ward.

SECTION 15. Discharge of patients addicted to the excessive use of drugs or liquor. Any person committed as a patient, or any person in his behalf, may apply to the commissioners of insanity for discharge from the special ward, and the commissioners shall thereupon make an examination of such patient and if the commissioners are satisfied that such patient is cured, or fit to be allowed at large without danger to himself or any other person or that such person has regained his self-

control respecting the use of drugs or liquor, they may discharge such patient. The commissioners may in their discretion if discharge be denied, nevertheless release such patient on parole. Whenever any patient is discharged from the special ward, the commissioners shall sign and deliver a certificate of discharge to such patient, and also forward a certified copy of such discharge to the circuit or district court of the circuit or district from whence such patient was committed, and the judge shall file the same with the record of commitment.

SECTION 16. Duties and powers of commissioners of insanity. In all matters affecting said detention house and special ward, and in all proceedings by and before the commissioners of insanity under the provisions of this Act, the commissioners shall perform the duties and functions required of them and have and exercise any and all of the powers and authority in them vested, as though under Sections 1076 to 1091, inclusive, of the Revised Laws of Hawaii, 1915, relating to insane persons, not inconsistent herewith.

SECTION 17. Compensation of commissioners. For each examination made by the commissioners of insanity of any insane or alleged insane patient for the purpose of determining the advisability or necessity of transferring such patient to or from the detention house or special ward, the commissioners shall each be entitled to receive a fee of two and one-half dollars (\$2.50), to be paid by or out of the estate of such patient. For each examination of any patient committed to the detention house or special ward, whether upon an appeal or an application for parole or discharge, the commissioners shall each be entitled to receive a fee of five dollars, to be paid by or out of the estate of such patient. If in any case any alleged insane person examined for transfer to or from said detention house or special ward, or any person examined on appeal or for parole or discharge from said detention house or special ward, shall be wholly unable to pay said fees, or if, on any application for parole or discharge or on an appeal, the parole or discharge shall be granted or the appeal sustained, the fees for examination shall be a charge upon the county or city and county from which said patient was committed, similarly as provided by Section 1084 of the Revised Laws of Hawaii, 1915, in the case of examinations of insane persons for discharge from the insane asylum.

SECTION 18. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1915.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 188

AN ACT

AUTHORIZING THE GOVERNOR TO SET ASIDE BY EXECUTIVE ORDER TO THE DAUGHTERS OF HAWAII, A HAWAIIAN CORPORATION, A CERTAIN PIECE OF LAND IN NUUANU VALLEY, HONOLULU, KNOWN AS THE "QUEEN EMMA HOUSE RESERVATION," FOR THE PURPOSE OF A HAWAIIAN MUSEUM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Governor of the Territory is hereby authorized and empowered to set aside by executive order, under such conditions as he may deem advisable to the Daughters of Hawaii, a Hawaiian corporation, a certain piece of property in Hanaikamalama, Kauhakoku, Nuuanu Valley, Honolulu, Oahu, known as the "Queen Emma House Reservation," for the purpose of maintaining and caring for such property as a Hawaiian Museum, subject to such rules and regulations as may be adopted from time to time by the Boards of Supervisors of the City and County of Honolulu, said property being more particularly described as follows, to-wit:

Beginning at an iron pin at the West corner of this piece, the co-ordinates of which point referred to Government Survey Trig. Station "Rosebank" are 2,674.0 feet North and 721.8 feet East, the true azimuth and distance to the base of the West Corner of the "Queen Emma House" being 280° 55' 71.0 feet, as shown on Government Survey Registered Map No. 2,398, and running by true azimuths:

1. 236° 00' 175.0 feet to an iron pin;
 2. 326° 00' 130.0 feet to an iron pin;
 3. 56° 00' 175.0 feet to an iron pin;
 4. 146° 00' 130.0 feet to the point of beginning.
- Area 22,750 square feet, more or less.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1915.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 189

AN ACT

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